

ARTICLE THIRTY-SECOND:

AMEND ARTICLE VI, FLOOD PLAIN DISTRICT

To see if the Town will vote to amend the Topsfield Zoning Bylaw by deleting Article VI, Flood Plain District in its entirety and replacing it with a new Article VI, Floodplain District as set forth in Attachment B to this warrant, entitled "Article VI, Floodplain District", or take any other action relative thereto.

Recommended that the Town vote to amend the Topsfield Zoning Bylaw by deleting Article VI, Flood Plain District in its entirety and replacing with a new Article VI, Floodplain District as set forth in Attachment B to this warrant, entitled "Article VI, Floodplain District".

This amendment reformats the current Flood Plain District bylaw by the addition of categories designating purpose, description and uses in the district. Further, it amends the date of the Topsfield Flood Insurance Study referenced in Section 6.02 of this Zoning Bylaw to July 2, 2012 which is the new, official date of the latest federal flood elevation determination for the Town of Topsfield as approved by the Federal Emergency Management Agency and as shown on the Flood Insurance Rate Map (FIRM) panels and incorporated herein. Other required revisions have also been incorporated within Article VI as a condition of continued eligibility in the National Flood Insurance Program (NFIP). Lastly, it changes the words, "Flood Plain" to the single word, "Floodplain" throughout the article.

ARTICLE THIRTY-THIRD:

AMEND ZONING BYLAW - DESCRIPTION OF DISTRICTS

To see if the Town will vote to amend the following sections of Article II of the Topsfield Zoning Bylaw as follows, with the provisions to be deleted shown in strikethrough and the provisions to be added shown in bold italics:

"2.01 Classes of Districts.

The Town of Topsfield is hereby divided into ~~eight (8)~~ ***seven (7)*** Districts ***and four (4) overlay districts:***

- A. Business District Highway (~~B-H~~) (***BH***)
- B. Business District Village (~~B-V~~) (***BV***)
- C. Central Residential District (~~C-R~~) (***CR***)
- D. Inner Residential and Agricultural District (~~I-R-A~~) (***IRA***)
- E. Outlying Residential and Agricultural District (~~O-R-A~~) (***ORA***)
- F. Business Park District (~~B-P~~) (***BP***)
- G. Elderly Housing District (EHD)
- H. Business District Highway North (~~B-H-N~~) (***BHN***)

I. Scenic Overlay Zone

J. Groundwater Protection Overlay District

K. Floodplain District "

"2.05 Central Residential District.

The Central Residential District shall comprise, except for the business districts included therein, the area bounded by a line beginning at the junction of ***South*** Main Street and Maple Street, thence to a point on Prospect Street, 1,000 feet southwesterly from South Main Street; thence to a point on Washington Street, at the westerly boundary of land ~~formerly owned by Hosmer Eldridge~~ ***at 71 Washington Street and shown as Block 13 on Map 32 of the Assessor's plats dated 2011***, northeasterly to the end of Colrain Road as presently accepted, thence to the southwest corner of Pine Grove Cemetery;

along the southern border of said cemetery to Haverhill Road, thence northerly on Haverhill Road to a point 200 feet north of Pine Street; thence easterly parallel to Pine Street to a point on Ipswich Road, thence to a point on Boston Street 400 feet north of High Street; thence parallel to High Street across Perkins Row to a point where it meets a perpendicular to High Street and its junction with the center line; of the railroad, thence following said perpendicular to said center line; thence up the center line of the railroad northwesterly to a point 200 feet southeasterly of Maple Street; thence westerly parallel to Maple Street to Boston Street, thence southerly on Boston Street to South Main Street, thence northwesterly parallel to South Main Street to the junction of South Main Street and Maple Street, the point of beginning.

2.06 Outlying Residential and Agricultural District.

The Outlying Residential and Agricultural District shall comprise:

- a. All area ~~in Topsfield~~ south and east of the Ipswich River;
- b. An area ~~in Topsfield~~ east and north of line starting at the junction of the Ipswich River and Howlett Brook following Howlett Brook to a point 300 feet south of Ipswich Road on a perpendicular to said road, thence westerly on a line south of a parallel to Ipswich Road and then Campmeeting Road to a point ~~200 feet east of Boston Street~~ **250 feet east of the center line of Boston Street**; thence northerly along a line parallel to and ~~200 feet east of Boston Street~~ **250 feet east of the centerline of Boston Street to the northerly line of land now or formerly of Arthur Gaklis (for description, see deed from Margaret N. Lewis to Arthur Gaklis, dated December 30, 1974 and recorded in the Essex South District Registry of Deeds at Book 5287, page 222, also being shown as Block 7, Map 7, on the Topsfield Assessors' plat dated 2011) then turning northwest along referenced north boundary and continuing in the same direction to the centerline of Boston Street then turning north and following the centerline of Boston Street to the** ~~to~~ Town boundary with the Town of Ipswich;
- c. An area ~~in Topsfield~~ that is west of North Street and north of Howlett and Pye Brooks;
- d. An area comprising the ~~existing~~ land located **on Assessor's Map 5, Block 2** and located west of Pye Brook and east of the New England Power Company right-of-way;
- e. An area **located on Assessor's Map 51, Block 21 and Map 35, Block 6** ~~consisting of all existing land in Topsfield owned by the Massachusetts Audubon Society~~;
- f. An area consisting of land bounded by a line beginning at the intersection of **the centerline of Boston Street and the centerline of Howlett Street**; thence westerly along **the centerline of Howlett Street** to a point where boundary of Central Residential District crosses Howlett Street; thence northwesterly along said boundary to **the southern edge of the Ipswich Road layout**, thence easterly along **the southern edge of the Ipswich Road layout** to westerly property line of lot **at 79 Ipswich Road and shown as Block 47 on Map 25 of the Assessor's plats dated 2011**, thence southerly along said property line to southern boundary of line of said lot, then easterly along southern boundary lines of lots **with addresses of 79, 83, 85L, 87, 91, 101 and 107 Ipswich Road** to center line of Boston Street; thence southerly on Boston Street to point of beginning.

2.07 Inner Residential and Agricultural District.

The Inner Residential and Agricultural District shall comprise all the land remaining outside the Business District Highway, Business District Village, ~~Business District Highway~~, Business District Highway North, Business Park District, and Central Residential and Outlying Residential and Agricultural Districts.

2.08 Zoning Map

The location and boundaries of the Zoning Districts are hereby established as shown on a map titled "Zoning Map of the Town of Topsfield, Essex County Massachusetts" and drawn to a scale of 1 inch to 1200 feet which accompanies and is hereby declared to be a part of the By-Law. The authenticity of the Zoning Map shall be identified by the signature of the Town Clerk and the imprinted seal of the Town under the following words: "This is to certify that this is the Zoning Map referred to in Article II of the Zoning By-law of the Town of Topsfield, Massachusetts, which was approved by the Town Meeting on ~~May 7, 1996~~ **May 1, 2012**."

2.09 Business Park District.

The Business Park District shall comprise an area bounded by a line perpendicular to Boston Street beginning at the center line of Boston Street and 200 feet southerly of intersection of Boston Street and Campmeeting Road; thence westerly along said perpendicular to North Street; thence northwesterly along North Street to Town boundary (with Town of Ipswich); thence northeasterly along Town boundary to intersection of center line of Boston Street; thence southerly along center line of Boston Street to a point opposite the northwesterly corner of land now or formerly of Arthur Gaklis (which is located on the easterly side of said Boston Street) (for description, see deed from Margaret N. Lewis to Arthur Gaklis, dated December 30, 1974 and recorded in the Essex South District Registry of Deeds at Book 5287, page 222, also being shown as ~~Plot 461C, Map 2, Lot 11 on the Topsfield Assessors' Map~~ **Block 7, Map 7, on the Topsfield Assessors' plat dated 2011**) thence southeasterly along the northerly line of property of said Gaklis to a point 250 feet easterly of Boston Street; thence along a line parallel to Boston Street and 250 feet east of Boston Street to a line perpendicular to Boston Street and 200 feet south of the intersection of Boston Street and Campmeeting Road **then turning west to the point of the beginning.**",

and further to insert the following new sections:

"2.12 Scenic Overlay Zone

The Scenic Overlay Zone description is as referenced in Article XIV Scenic Overlay Zone.

2.13 Groundwater Protection Overlay District

The Ground Water Protection District description is as referenced in Article XI Groundwater Protection District.

2.14 Floodplain District

The Floodplain District description is as referenced in Article VI District."

and further to amend Article III, Use Regulations, Table of Use Regulations Overlay Districts by inserting the following:

<i>Scenic Overlay Zone</i>	<i>See Article XIV for delineation and permitted uses.</i>
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, or take any other action relative thereto.

Recommended that the Town vote to amend certain sections of Article II, and further, amend Article III, Use Regulations, Table of Use Regulations Overlay Districts of the Topsfield Zoning Bylaw as set forth above.

In Article II, this amendment corrects the legal description of previously approved zoning districts specifically the Central Residential District (CR), the Outlying Residential and Agricultural District (ORA) and the Business Park District (BP). In addition, three previously approved overlay zoning districts are added to the Classes of Districts, and the legal descriptions for these districts are inserted within the article. Further, the Zoning Map's approval date is amended to May 1, 2012 based on town meeting approval of revisions to district descriptions as amended by this article.

In Article III, the previously approved Scenic Overlay Zone is inserted into the Table of Use Regulations Overlay District category.

ATTACHMENT B

ARTICLE VI

FLOODPLAIN DISTRICT

6.01 Purpose

The land located in the Floodplain District as hereinafter described and defined is deemed to be subject to seasonal or periodic flooding. The purposes of the Floodplain District are to protect the public health, safety, and general welfare, to protect human life and property from the hazards of periodic flooding, to preserve the natural flood control characteristics, and the flood storage capacity of the floodplain.

6.02 Description of District

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Topsfield designated as Zone A or AE on the Essex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Essex County FIRM that are wholly or partially within the Town of Topsfield are panel numbers 25009C0261F, 25009C0262F, 25009C0263F, 25009C0264F, 25009C0266F, 25009C0267F, 25009C0268F, 25009C0269F, 25009C0401F, 25009C0402F, and 25009C0406F dated July 3, 2012. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Essex County Flood Insurance Study (FIS) report dated July 3, 2012. The FIRM and FIS report are incorporated herein by reference into the Town's Zoning Map approved by the Town Meeting on May 1, 2012 and are on file with the Town Clerk.

6.03 Uses in the Floodplain District.

A. The following uses only are permitted in the Floodplain District:

1. Farming, including forestry, nursery and truck gardening and the pasturing of livestock, but not the erection of permanent structures for use in connection with the above.
2. Conservation of water, plants, and wildlife, including the raising and management of wildlife.
3. Taking of water for irrigation, farming or agriculture.

4. Recreation, including play areas, nature study, golf, boating, fishing, and hunting, where legally permitted in the underlying basic District.
5. With the written approval of the Board of Appeals, which shall have found that the proposed use is not contrary to the purpose of this District.
6. The removal or deposit of earth products, as part of a flood control or other conservation program or in connection with the building of a driveway, or road provided that the Board of Appeals find such driveway or road does not interfere with natural drainage or result in any increase in flood levels during the 100-year flood in so far as such removal is in compliance with the Topsfield Soil Removal By-Law Chapter XLIX.
7. The discharge of stormwater run-off into a stream.
8. Shelters in connection with wildlife conservation and management or agriculture.
9. Boathouses and docks not accessory to a dwelling and having the same area requirements as the underlying basic District. (Art. 48, 5/9/78; Art. 6, 5/6/80; Art. 20, 5/4/93)

B. The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws, with all other relevant Federal, State and Topsfield laws and regulations without limit, and with the following:

1. Sections of the Massachusetts State Building Code (780 CMR) which address floodplain and coastal high hazard areas;
2. Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
3. Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
4. Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);
5. Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations;
6. Topsfield Town Code, Chapter LXII - General Wetlands Bylaw, and associated regulations.

C. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

D. In Zone AE, along watercourses within the Town of Topsfield that have a regulatory floodway designated on the Essex County FIRM encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

E. All subdivision proposals must be designed to assure that: a) such proposals minimize flood damage; b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and c) adequate drainage is provided to reduce exposure to flood hazards.

F. The boundaries of the Floodplain District and the one hundred (100) year base flood elevations shall be provided with all proposals for development of land located within a Zone AE or Zone A which are

submitted to the Board of Appeals in support of an application for a permit. The actual Floodplain District boundaries shall reflect the approved base flood elevations and the actual topography of the site.

G. If for any reason the restrictions or requirements contained in this Article VI shall be or become invalid or inoperative as to any land in the Floodplain District, then such land shall be subject to the Zoning uses and requirements of the basic underlying District in which such land is located.

H. If any land in the Floodplain District is proven to the satisfaction of the Board of Appeals as being in fact not subject to flooding or not unsuitable because of drainage conditions for uses permitted in the underlying basic district as described in this By-Law, and that such land use will not increase the danger to the health or safety of the occupants thereof, the Board of Appeals may grant a special permit for such uses of said land as are permitted in the underlying basic district. The underlying basic districts are the districts described in Article II of the Topsfield Zoning By-Law and any amendments thereto.

I. Density and Dimension Requirements (Required Lot Area, Width, Yards, Coverage, Height) shall be as defined in the underlying basic district. Land within the Floodplain District and in the same ownership as an adjoining lot in the underlying basic District may be counted as part of such lot when determining the area, width, yards or coverage of such lot provided that no structure except one permitted in this section, is erected in the Floodplain District nor is any sewage disposal area constructed in the Floodplain District.

6.04 Prohibited Uses in the Floodplain District

In the Floodplain District, no building structure for human habitation or for any occupation, except as expressly permitted by other provisions of Section 6.03, shall hereafter be erected, altered, enlarged or moved.

6.05 Removal of Earth Products

In the Floodplain District, no earth products shall be removed or deposited except under the provisions of Section 6.03.

6.06 Notification of Watercourse Alteration

In a riverine situation, the Conservation Commission shall notify the following of any alteration or relocation of a watercourse:

1. Adjacent Communities
2. NFIP Program Specialist
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104
3. NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110